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PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/526,860
		Filing Date	September 4, 2003
		First Named Inventor	Marc K. HELLERSTEIN
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	7+16 References	Attorney Docket Number	416272003600

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input checked="" type="checkbox"/> Information Disclosure Statement - 3 pages	<input type="checkbox"/> CD, Number of CD(s) _____	2. 16 References
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 20872)		
Signature	<i>Michael R Ward</i>		
Printed name	Michael R. Ward		
Date	January 17, 2006	Reg. No.	38,651

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: <u>1/18/06</u>	Signature: <u><i>Victoria A. Wilson</i></u> (Victoria A. Wilson)

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Dated: 1/18/06

Signature: *Victoria Wilson*

(Victoria Wilson)

Patent

Docket No. 416272003600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marc K. HELLERSTEIN

Serial No.: 10/526,860

Filing Date: September 4, 2003

For: METHODS FOR MEASURING THE
RATES OF REPLICATION AND
DEATH OF MICROBIAL INFECTIOUS
AGENTS IN AN INFECTED HOST
ORGANISM

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **416272003600**.

Dated: January 17, 2006

Respectfully submitted,

By Michael R. Ward
Michael R. Ward
Registration No.: 38,651
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San Francisco, California 94105-2482
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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/526,860
Filing Date	September 4, 2003
First Named Inventor	Marc K. HELLERSTEIN
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	416272003600

U.S. PATENT DOCUMENTS

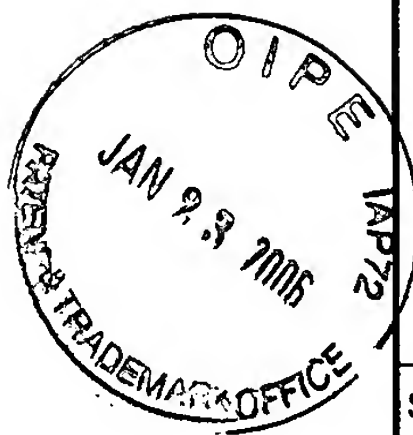
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-4,065,552	12-27-1977	Costa	
	2.	US-4,889,126	12-26-1989	Doddrell et al.	
	3.	US-4,940,658	07-10-1990	Allen et al.	
	4.	US-5,042,488	08-27-1991	Ackerman	
	5.	US-5,209,919	05-11-1993	Turteltaub et al.	
	6.	US-5,317,098	05-31-1994	Shizuya et al.	
	7.	US-5,354,662	10-11-1994	Stone et al.	
	8.	US-5,376,355	12-27-1994	Turteltaub et al.	
	9.	US-5,394,236	02-28-1995	Murnick	
	10.	US-5,506,147	04-09-1996	Kolhouse et al.	
	11.	US-5,597,548	01-28-1997	Sherry et al.	
	12.	US-5,783,445	07-21-1998	Murnick	
	13.	US-6,610,270	08-26-2003	Ajami	
	14.	US-6,625,547	09-23-2003	Korzekwa et al.	
	15.	US-6,764,817	07-20-2004	Schneider	
	16.	US-6,783,751	08-31-2004	Heumann	
	17.	US-6,872,575	03-29-2005	Regnier	
	18.	US-6,887,712	05-03-2005	Medford et al.	
	19.	US-2005/0003375	01-06-2005	Franza et al.	
	20.	US-2006/0008796	01-12-2006	Hellerstein	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	21.	EP-0826377	11-06-2002	Tokyo Gas Co., Ltd.		
	22.	WO-93/20800	10-28-1993	Kinnunen		
	23.	WO-95/13096	05-18-1995	Peptide Delivery Systems Pty. Ltd.		
	24.	WO-00/13025	03-09-2000	University of Washington		
	25.	WO-00/63683	10-26-2000	Target Discovery Inc.		
	26.	WO-01/84143	11-08-2001	Thermo Finnigan LLC		

Examiner
SignatureDate
Considered

sf-2055271



Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/526,860
				Filing Date	September 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	3	Attorney Docket Number	416272003600

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	27.	Australian Patent Office Search Report mailed August 26, 2005, for Singapore patent application no. SG 200500571-5, filed July 25, 2003, 5 pages	
	28.	COLLINS, Michelle L. et al. (Jan. 31, 2003) "Measurement of mitochondrial DNA synthesis in vivo using a stable isotope-mass spectrometric technique," J Appl Physiol, 94: 2203-2211	
	29.	HECK, Steven D. et al. (April 1996) "Posttranslational amino acid epimerization: Enzyme-catalyzed isomerization of amino acid residues in peptide chains," Proc. Natl. Acad. Sci. USA, 93(9): 4036-4039	
	30.	International Search Report mailed August 1, 2005, for PCT application no. PCT/US2005/08265, filed March 11, 2005, 4 pages	
	31.	LUTTON, C. et al. (1990) "Critical analysis of the Use of ¹⁴ C-acetate for Measuring In Vivo Rat Cholesterol Synthesis," Reprod Nutr Dev, 30: 71-84	
	32.	OUGUERRAM, K. et al. (Jan. 2002) "A New Labeling Approach Using Stable Isotopes to Study In Vivo Plasma Cholesterol Metabolism in Humans," Metabolism, 51(1): 5-11	
	33.	PATTERSON, Bruce W. et al. (Aug. 1997) "Measurement of Very Low Stable Isotope Enrichments by Gas Chromatography/Mass Spectrometry: Application to Measurement of Muscle Protein Synthesis," Metabolism, 46(8): 943-948	
	34.	ROOYACKERS, Olav E. et al. (Oct. 1996) "Tracer Kinetics Are of Limited Value to Measure In Vivo Protein Synthesis and Degradation Rates in Muscle of Anesthetized Rats," Metabolism, 45(10): 1279-1283	
	35.	SCHEIBNER, Jurgen et al. (1993) "Bile Acid Synthesis from Newly Synthesized Vs. Preformed Cholesterol Precursor Pools in the Rat," Hepatology, 17: 1095-1102	
	36.	Supplementary Partial European Search Report mailed August 17, 2005, for European patent application no. EP 03749756.7, filed September 15, 2003, 6 pages	

Examiner Signature		Date Considered	
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<div>Substitute for form 1449/PTO</div> <div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div>(Use as many sheets as necessary)</div>				Complete if Known	
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Sheet	3	of	3	Attorney Docket Number	416272003600

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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